

City of Rio Communities Council Minutes
Regular Business Meeting
November 10, 2020

This meeting was streamed on Facebook Live
<https://www.facebook.com/riocommunities>

Call to Order

- Mayor Pro tem Peggy Gutjahr called to order the city council regular business meeting at 6:00 pm.

Pledge of Allegiance

- Clara Garcia led the Pledge of Allegiance.

Roll Call

- Present: Mayor Pro tem Peggy Gutjahr, Councilors, Bill Brown, Joshua Ramsell and Jim Winters. Present: Municipal Clerk Lisa Adair, City Attorney Chris DeFillippo and Valencia County News-Bulletin Editor Clara Garcia.

Approval of Agenda

- Councilor Brown moved to accept the agenda as presented. The motion was second by Councilor Winters. Vote: Councilor Ramsell-yes; Councilor Brown-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote the regular business meeting for November 10, 2020 was approved as presented.

Approval of Workshop and City Council Regular Business Meeting Minutes for 10/27/2020

- Councilor Ramsell moved to approved of Workshop and City Council Regular Business Meeting Minutes for October 27, 2020. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote the minutes for the workshop and city council regular business meeting held on October 27, 2020 were approved as written.

Public Comment

- No public comments.

Economic Development

- Clerk Adair read the report from Economic Development: 1.EDC finalized a questionnaire to go to the Rio Comm. business community and to be returned with business applications. 2.Procurement activities: EDC researched and had 3 agencies develop branding/logo/marketing proposals. EDC developed two options from those proposals: first: a branding campaign which would give us identity, logo, and tagline and second a marketing campaign that would promote rooftops, and retail, with an interim logo to be considered (Michelle Borgogna submitted sample city logos) 3.October 21st meeting with City Council: EDC had a procurement discussion with Stephanie Fitch. The general understanding was that proposal research done by EDC that included any money considerations (as we have done with pen purchase, address labels and website design in past) was now illegal. All bids now to only go through procurement. Questions to be answered: What is EDC's role in procurement now? And what do we do with the current proposals we have from the ad agencies? 4. Follow-up meeting to discuss procurement and ad campaigns at the November 12th meeting 10-12 am. This will be on a Thursday as Wednesday is a holiday. Mayor pro tem Peggy Gutjahr and Treasurer Stephanie Fitch will be present to clarify

procurement. 5. USDA research. Frank Logan and Peggy Gutjahr and Jim Winters had a consult with USDA Terry McDermott regarding sewer expansion for future development. Frank will report on meeting results. 6. EDC wish list: Retail wish list (covid-19 proof) developed- grocery store, butcher, take-out, deli, bakery, medical assistance/oxygen, health store, Baskin Robbins ice cream store. Kuan Tikkun, EDC chair

Planning and Zoning

- No report.

Code Enforcement /Public Works

- Clerk Adair read the Code Enforcement /Public Works Report:
Violations: Weed and Vehicle violations; Health & Safety violations. Coordinating with Fire Dept. for inspection this week; Storing of RV's & boats violations; Mailed out cert. mailed second notice (failure to comply); Virtual workshop on ATVs, Sheriff Dept, Cities Code Enforcement Dept and the public. Needing Emails for those who want to attend.; ATVs. Cleaned up the traffic ordinances, Lisa linked them together to be able to bring them up in the Off Road Vehicles ordinances; Ordered ATVs prohibited signs with the ordinance and a fine printed on the sign; Generated a list of private property owners and Corps that owns very large parcels in the city, (HOT ZONES OF ATVs). Gave list to Pro temp Mayor, Attorney will be sending letters out; Talked with NMDOT, The concern of the ATVs traveling up and down the DOT right -away, eroding it away, along Rio Communities Blvd. DOT will pay for the signs the installation of them and the up-keep. Both sides of R.C. Blvd and the south side of HWY 304; Trespassing on Government property, Public is using the land to access private property. Sent letters out. Follow up. Western St and Manzano Expy.; Waiting on Abatement ruling from Attorney; Been Attending P&Z meetings; Printing Posters. Substandard poster with the ordinance # on them. Tagging structures with them. On hold.
- **Public Works:** Public workers; Weed control and illegal dumping control; Notified DOT, excessive parking along HWY 304 business; Ceremony: flag raising This Weds Veteran's Day; Street Lighting R.C. Blvd and Hwy 304 LEDs upgrade; Public worker position, scheduled for interview; Cities roads; Contract released. I was assigned as the PM for this project. Work is progressing slowly due to the weather and batch plant down two days; LED lighting Rear of City Hall on ordered. PW will do the installation; Lighting package. Two separate pricing one for Rio Communities Blvd /47, the other for HWY 304. Weighing the cost of fixing what we have or going with new LEDs; Weight restrictions signs ordered. Going up on Rio Communities Way and Horizon Vista; Pavement Improvement for the City, Had the start-up meeting with Universal Constructors. Lay down yard, areas for chip piles, the 811 utilities locator slips, and mix design submittals; Future proposal; Cost of erecting a 4 ft. fence along southside of Hwy 304, to establish the cities and residence property lines. This fence will correct any existing encroachment and eliminate any future encroaching; PNM meeting with their Engineer at 9am Monday 16th regarding the metal cabinets; Hot water loop. To have hot water at all sink location in building. Health and safety, for the washing of hands. Covia-19; Stripping cop equipment from both Crown Vic; Universal Waste, Tire dumpster (20yd) day Nov. 21st. part of UWS contract agreement. Two a year; UWS hired contractor, remodeling the inside.
- **Project Managing: Street Paving:** Passed out Public notification. street work in their area; Cities roads; Contract released. Work is progressing slowly due to the weather and Asphalt batch plant down for two days; Worked on Blanda Ct, Boros Ct, and Player Ct. and their completed. Perion Ct is prepped, and the Contractor is heading to McKnight PL next. Gordon Reeves, Code Enforcement Officer & Public Works Director

Rio Grande Estates Fire Department

- Clerk Adair read the Rio Grande Estates Fire Department report:
The station is about 4 weeks out from have its new Bay Doors put in; The station had a vote to have for a new Secretary and a new Safety officer. Kendal Good is the new Secretary. And Jesse Tourne is the new safety officer; The two new Brush Units are complete and in-service for the City and the District; For the month of October we had 42 calls the break down is 13 EMS calls 29 Fire calls out of the 29 fire calls we did go Mutual Aid 9 times to help other Fire Districts; Lastly the fire Department will be Decorating the Fire House so something to look forward to viewing.
Thank you, Chief Tabet

Municipal Court

- Court Clerk Lisa Adair gave the court report for the month of October: 1 code violation(s) was filed in the courts. Amounts collected were: Correction fees \$120; Court Automation fees \$36; Judicial Education fees \$18 and Court Fines of \$156 giving a total of \$330 were collected in the courts
- Court Clerk Adair stated that the Court had to go through reopening plan and approval through the NM Supreme Court. On October 28 Judge Chavez received an email stating that Rio Communities Municipal Court has their reopening plan approved. She then read into the minutes the memorandum (attached to this report)

Discussion, Consideration, and Decision – Approval of Accounts Payable

- Councilor Ramsell said the only thing he wanted to mention was the \$24,000 for the engineering and architects was for
- Councilor Ramsell moved to approve the accounts payable as presented. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote accounts payable was approved to be paid.

Discussion, Consideration, and Decision – Draft/update Zoning Code Ordinance from P&Z

- Councilor Brown said this is in regard to sign and signage throughout the City pertaining to permitting, sign safety, sign illumination, animation, limitations of electronic signs, regulations, non-conforming signs, sign exceptions and fence standards; he then said this is to propose change to an existing ordinance and it is not an extensive change.
- Councilor Ramsell said after looking at it, we may send it back to Planning and Zoning to make a few more changes and began a discussion.
- Councilor Ramsell motioned to send back to Planning and Zoning for rewording. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the Zoning Code Ordinance was approved to be sent back to Planning and Zoning to be reworded.

Discussion, Consideration, and Decision – Consideration to Cancel 11/24/2020 Workshop and Council Meeting

- Mayor Pro tem Gutjahr said the main issue we needed to look at is making sure that accounts payable is done.
- Councilor Ramsell moved to consider not having the regular workshop and revising the regular Council meeting. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote, the motion was approved.

Discussion, Consideration, and Decision – Donated Economic Development Commission monies

- Mayor Pro tem Gutjahr stated she will be attending the EDC meeting virtually and talk to them about what their role is and the donated money.
- Councilor Brown explained that years ago he donated \$8,000 to the City to be used only for Economic Development, the money has been recently identified, and we are looking at how much has been spent and how much is left.
- Councilor Winters said he feels the money should go back to them, but he thinks Council should have input on how the money should be spent.
- Councilor Brown said maybe part of the joint meeting should be discussing how the money should be spent.
- Councilor Ramsell said we need to address a few items with them, such as whether they are part of the City or not and procurement policies, and after having those discussions talk to them about what the best use of that money would be.
- Councilor Brown said the next item on the agenda is basically the same thing, this motion should be considered for the next item as well.
- Councilor Ramsell moved to table the agenda items donated economic development commission monies and EDC request to use City's advertising budget towards branding & logo until the joint meeting with EDC. Councilor Winters second the motion. Vote Councilor Brown-yes; Councilor Winters-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote, the motion to table the agenda items donated economic development commission monies and EDC request to use City's advertising budget towards branding & logo until the joint meeting with EDC on January 20, 2021 was approved.

Discussion, Consideration, and Decision – EDC request to use City's advertising budget towards branding & logo

- This item was tabled in the previous motion by Councilor Ramsell.

Discussion, Consideration, and Decision – EDC Questionnaire to local Business

- Councilor Ramsell moved to approve the EDC Questionnaire to local business as amended. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Winters-yes and Councilor Gutjahr. With a 4-0 vote, the EDC Questionnaire to local business was approved as amended by Council.
- Mayor Pro tem Gutjahr then said the questionnaire will be mailed to current businesses with renewal applications for next year and added there will be no businesses license fee for year 2021 but applications are still necessary.

Discussion, Consideration, and Decision - Hiring of (2) EMT's

- Councilor Ramsell said personnel he feels we should move forward with this, and explained he understands there is a concern about funding, the City would hate to hire someone and not have the funding to keep them.
- Councilor Brown said his position many years ago was to hire 4 EMT's but hiring 2 is a nice start.
- Mayor Pro tem Gutjahr said from her conversation, we had agreed to hire them, but wait to hire until we have a paid Fire Chief.
- Councilor Ramsell moved to the hire of 2 EMT's once the Fire Chief is hired. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote, the motion was approved to hire 2 EMT's after the hiring of a Fire Chief.

Council Reports

- Councilor Brown had no report.
- Councilor Ramsell said now that it is getting colder, everyone is warming up vehicles, be very careful so that it is not stolen, do not warm it up in your garage, especially if your heater is in your garage, and to careful.
- Councilor Winters lot of good discussion.
- Mayor Pro tem Gutjahr reminded tomorrow we are having a ceremony for the Veterans at 11 am and will be filmed so that others may look at our website and view it, we have Veterans raise the flag, we have invited past Council members to be there as well.
- Clerk Adair mentioned November 21, 2020 the City will be having a cleanup day with the dumpster and will also be having a tire donation.
- Councilor Ramsell said there is no charge to take your tires this weekend, the City is providing this service.
- Mayor Pro tem Gutjahr reminded to come early to the cleanup and you must have proof of residency.

Executive Session Council meeting with the City Attorney pertaining to threatened or pending litigation in which the public body is or may become a participant (§ 10-15-1(H)(7)) and for the Discussion of the purchase, acquisition or disposal of real property or water rights by the public body (§10-15-1(H)(8))

- **Motion and roll call vote to go into close session**
 - Councilor Ramsell moved to go into executive session with the City Attorney pertaining to threatened or pending litigation in which the public body is or may become a participant (§ 10-15-1(H)(7)) and for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body (§10-15-1(H)(8)) with a roll call vote. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Winters-yes; Councilor Ramsell-yes and Councilor Gutjahr. With a 4-0 Council went into executive session pertaining to threatened or pending litigation in which the public body is or may become a participant (10-15-1(H)(7)) and for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body (10-15-1(H)(8)) at 6:38 pm.
- **Motion and roll call to go back into regular business meeting session**
 - Councilor Ramsell moved with a roll call vote to go back into the regular business meeting. The motion was second by Councilor Winters. Vote Councilor Brown-yes; Councilor Winters-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote, the regular business meeting went back into regular session at 7:28 pm.
- **Welcome everyone back and statement by the Mayor Pro-tem**
 - Mayor Pro tem Gutjahr stated: The governing body of the City of Rio Communities, New Mexico hereby states that on November 10, 2020 , a closed executive session was held and the matters discussed in the closed meeting with the City attorney pertaining to threatened or pending litigation in which the public body is or may become a participant (§ 10-15-1(H)(7)) and for the Discussion of the purchase, acquisition or disposal of real property or water rights by the public body (§10-15-1(H)(8)).

Action Item – Consideration & Decision – Mayor Pro-tem of the purchase, acquisition or disposal of real property or water rights by the public body.

- Mayor Pro tem Gutjahr stated no decision has been made.
- Councilor Brown motioned no decision made in executive session. The motion was second by Councilor Ramsell. Vote Councilor Brown-yes; Councilor Winters-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote no decision was made.

Adjourn

- Councilor B moved to adjourn. The motion was second by Councilor R. With a 4-0 vote the City Council regular business meeting was adjourned at 7:30 pm.

Respectfully submitted,

Elizabeth (Lisa) Adair, Municipal Clerk
(Transcribed by Amy L. Lopez, Deputy Clerk)

Date: _____

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Mayor Pro-tem/Councilor

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Jim Winters,
Councilor